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| | | | Confirmation No.: | | | | | | |
| PT. | FORM | | | First Named Inventor: | John | n Walton | | | |
| | 2.11. | | | Group Art Unit | 2186 | | | | |
| | | | | Examiner: | Elm | ore, Stephen C. | | | |
| | Customer No. 24227 | | | | | | | | |
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| 8/16/04 South Dellot | | | | | | | | | |
| Date | Date Scott A. Ouellette, Esq. (Reg. No. 38,573) | | | | | | | | |
| | EMC Corporation | | | | | | | | |
| | (500) 000 F005 | | | e of the General Counsel | | | | | |
| Tel: | | | | | | | | | |
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| I hereby certify that this correspondence and the above-referenced documents are being: | | | | | | | | | |
| Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313- | | | | | | | | | |
| 1450. Transmitted by facsimile on the date shown below to the Patent and Trademark Office at | | | | | | | | | |
| (703) 746-4000. | | | | | | | | | |
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Paper No. 6

EMC Corporation

Office of the General Counsel

176 South Street Hopkinton, MA 01748 TECHNOLOGY CENTER 2100

RECEIVED

JUL 0 6 2004

| In re Application of: Walton et al. Application No. 10/022,080 Attorney Docket No. EMC-01-153 Filed: December 13, 2001 For: METHOD AND SYSTEM FOR MAINTAINING DATA INTEGRITY USING DUAL WRITE OPERATIONS | • | EMC CORPORATION Intellectual Property Group Office of the General Coursel SPONSE TO APPLICANTS' Legal Department MMUNICATION |
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Applicants filed a letter on July 29, 2003 that only recently came to the attention of the Technology Center. The letter requested that certain remarks be entered into the application record relating to the examiner's statements made in a Notice of Allowability mailed on March 25, 2003. Specifically, applicants were responding to the examiner's requirement for drawing corrections.

The Office wishes to acknowledge receipt of the letter and to inform applicants that the letter is of record. However, a review of the application file shows the issue fee was due on June 25, 2003 and there is no record that applicants submitted payment during the statutory period. Therefore, the response filed July 29, 2003 does not change the status of the application as abandoned.

Applicants may wish to consider filing a petition under 37 CFR § 1.137 to revive the application. The application file will be retained in the Technology Center for two months from the mailing date of this letter and thereafter it will be returned to abandoned files. Telephone inquiries should be directed to the undersigned at (703) 308-0269.

Josie A. Ballato

Special Programs Examiner

Technology Center 2100

Computer Architecture, Software, and Information Security

Notice of Allowability mailed on March 25, 2003. While the Special Programs Examiner indicated that the letter has been made of record, she indicated that, because the issue fee had not been paid by the June 24, 2003 deadline, the application had been abandoned. The Special Programs Examiner suggested that the applicants file a petition under 37 C.F.R.§1.137 to revive the application.

However, also included with the applicants' submission of July 29, 2003 was a Petition for Revival of an Unintentionally Abandoned Application under 37 C.F.R. §1.137(b), as well as an authorization for the Office to charge applicants' deposit account for the fees that were due. The documents were submitted to the Office by facsimile transmission. However, the Form PTOL-85B inadvertently was not included in the submission.

Applicants exercised due diligence in attempting to determine the status of the application after the filing of the Petition, and made several telephone calls to the Office, including telephone calls to a Mr. Fletcher in the Office of Petitions on March 4, 2004; to Ms. Beth Ann Dayoan in the Office of Petitions on March 28, 2004 and April 28, 2004; and to Mr. Pinchus Laufer in Technology Center 2100 on May 13, 2004.

Applicant hereby resubmits the Petition for Revival of an Unintentionally Abandoned Application under 37 C.F.R. §1.137(b) (Exhibit A), which was originally filed on July 29, 2003, as well as applicants' response to the examiner's statements made in the Notice of Allowability mailed on March 25, 2003 (Exhibit B). Applicant also submits the Form PTOL-85B and an authorization to charge applicants' deposit account for the petition fee and the issue fee.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (508)-293-7835.

Please charge any fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

8/16/04

Date

Scott A. Ouellette, Esq.

Reg. No. 38,573 EMC Corporation

176 South Street

Hopkinton, MA 01748

Reg. No. 38,573

Telephone: (508)-293-7835 Facsimile: (508)-293-7189

Confirmation Report - Memory Send

Time : Jul-29-2003 13:55

Tel line : 5084976915

Name : EMC LAW DEPARTMENT



Job number

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Date

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End time

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| TRANSMITTAL FORM FORM First Named Investor: Walton et al. Group Art Unit 2186 Examiner: Stephen Elmove ENCLOSURES (check all that apply) Associate Power of Autoria Deposit Account No. 05-0889 Deposit Account No. 05-0889 Deposit Account No. 1 Anendment Associate Power of Autoria Deposit Account No. 1 After Pinal Associate Power of Autoria Deposit Account No. 1 Aftidavis/Decl. Terminal Discialmor Aftidavis/Decl. Extra to Official) & Aheats of Formal Drawings. Figs. 1 through & Aheats of Formal Drawings. Figs. 1 through & Aheats of Formal Drawings. Figs. 1 through & Aheats of Deposited Copy of FTO 948. Notice Information Disciaure Siacement Response to Missing Para/Locompiete Application SIGNATURE OF AFFLICANT, ATTORNEY OF AGENT For 1508 293-7835 Fox: (508) 293-7189 Tol: (508) 293-7189 Deposited with the United Status Postal Service on the date shown below to the Partner and Tradement Coffice at anywhole of Status Postal Service on the date shown below to the Parent and Tradement Coffice at anywhole of Status Postal Service on the date shown below to the Parent and Tradement Coffice at anywhole of Status Postal Service on the date shown below to the Parent and Tradement Coffice at anywhole of Status Postal Service on the date shown below to the Parent and Tradement Coffice at anywhole of the date shown below to the Parent and Tradement Coffice at anywhole of the date shown below to the Parent and Tradement Coffice at anywhole of the date shown below to the Parent and Tradement Coffice at the control of the date shown below to the Parent and Tradement Coffice at the control of the case shown below to the Parent and Tradement Coffice at the control of the case shown below to the Parent and Tradement Coffice at the case shown below to the Parent and Tradement Coffice at the case and the sh | | | | | | |
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| Response to Missing Parte/Incomplete Application SIGNATURE OF APPLICANT, ATTORNEY OF AGENT July 29, 2003 Scott A. Ouellette (Rog. No. 38.573) EMC Corporation Office of the General Counsel 176 Scuth Street Hopkinton, MA 01748 CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8] I bereby certify that this correspondence and the shove-referenced documents are being: Deposited with the United States Postal Service on the date shown below via First Class Mail in an envelope addressed to: Attn.: Official Draftsperson. Commissioner for Patents, P.O. Box 1450, | | | | | | |
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| Date Scott A. Ouellette (Reg. No. 38,573) | | | | | | | | |
| EMC Corporation | | | | | | | | |
| Office of the General Counsel Tel: (508) 293-7835 176 South Street | | | | | | | | |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Walton et al

GROUP ART UNIT:

2186

U.S.S.N.:

10/022,080

EXAMINER:

Elmore, Stephen C.

FILING DATE:

December 31, 2001

CUSTOMER NO.

24227

TITLE:

Method and System for Maintaining Data Integrity Using Dual Write

Operations

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 160 \$2004.

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESUBMISSION OF PETITION TO REVIVE AND ISSUE FEE PAYMENT

Applicant recently received a communication from the Office mailed on July 2, 2004 indicating that a letter filed by the applicants on July 29, 2003 had only recently come to the attention of the Technology Center. The letter requested that certain remarks be entered into the application record relating to the examiner's statements made in a



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| PETITION FOR REVIVAL UNINTENTIONALLY UN | | OR PATENT ABANDON | ED Docker Number (Optional) |
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| Attention: Office of Petitions Mail Stop Petition Commissioner for Patents | r Maintaining Data Integrity Usir | ng Dual Write Operations | Concentral . |
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| The above-identified applicat notice or action by the United expiration date of the period actually obtained. | tion became abandoned for fai d States Patent and Trademan set for reply in the Office notice | k Office. The date of abando e or action plus an extensio | onnent is the day after the ns of time |
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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

| Terminal disclaimer with disclaimer fee | |
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| Since this utility/plant application was | s filed on or after June 8, 1995, no terminal disclaimer is required |
| A terminal disclaimer (and disclaime other than a small entity) disclaiming | r.fee (37 CFR:1:20(d)) of \$for a small entity or \$for a small entity or \$for the required period of time is enclosed herewith (see PTO/SB/63 |
| iling of a grantable petition under 37 CF rademark Office may require addition | R:1137(b) was unintentional [NOTE The United States Patent and Information of there is a question as to whether either |
| WARNING: Information on this form be included on this form. Provide c | n may become public. Credit card information should not redit card information and authorization on PTO-2038. |
| 7/29/2003 | Jaco MA |
| Date | Signature : |
| aphone (508) 293-7835 | Scott A. Ouellette (Reg. No. 38,573) |
| | Typed or printed name * EMC Corporation* 176 South Street |
| | Address |
| losures. Fee Payment | Hopkinton, MA 01748-9103 |
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| I hereby certify that this correspondence is | being: |
| deposited with the United States Po | this utility/plant application was filed on or after Jupe 8, 1995, no terminal disclaimer is required inal disclaimer (and disclaimer fee (37.CFR 1, 20(d)) of \$ |
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| | 생활원에 가지 아니라의 사람들은 그는 그를 |
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| • | Type or printed name of person signing certificate |

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| PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED Docket Number UNINTENTIONALLY UNDER 37 (CFR.) 137(b) | (Optiona |
|--|--------------------------|
| Flist named inventor: Walton et al. | |
| Application No. 10/022 080 | ili da 19. Tablisha 4 |
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| | |
| Title: Method and System for Maintaining Data Integrity Using Dual Write Operations | |
| Attention; Office of Petitions Mail:Stop:Petition; Commissioner for Patents P.O. Box;1450 Alexandria; VA;22313:1450 FAX: (703) 308-6916 NOTE: \(\frac{1}{2}\) information or assistance is needed in completing this form, please contact Petitions | |
| Information at (703) 305-9282: | |
| The above identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained: ### APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee: (2) Reply and/or issue fee: (3) Terminal disclaimer with disclaimer fee: —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. 1. Petition fee: Small entity-fee \$ | |
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| ▼ Other than small entity - fee \$ 1,300(37 CFR 1-17(m)) | ` · |
| 2. Reply and/or fee A The reply and/or fee to the above⊭noted Office action in the form of _Fee authorization on Transmittal Form((dentify type of reply): ☐ has been filed previously on | |
| X is enclosed herewith. | l |
| B. The issue fee of \$_1,300 has been paid previously on | ľ |
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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND TEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| filing of a grantable petition under 37: GFF Frademark: Office may trequire; addition | he required reply from the due date for the required reply un 3.1 137(b) was unintentional (NOTE: The United States Pate al information if there is a question as to whether eith in under 37 CER 1 137(b) was unintentional (MPEP | nt. |
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| 7/29/2003 | Verce Jul | |
| Telephone (508), 293-7835 | Scott A Ouellette (Reg. No. 38,573) Alyped Organited name EMC Corporation 176 South Street | |
| Enclosures Feei Payment | Address | |
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